

Board of Chiropractic Examiners

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**BOARD OF CHIROPRACTIC EXAMINERS
PUBLIC SESSION MINUTES****July 29, 2010****State Capitol****Fourth Floor, Assembly Room 444
Sacramento, CA 95814****Board Members Present**

Frederick Lerner, D.C., Chair
Hugh Lubkin, D.C., Vice Chair
Francesco Columbu, D.C., Secretary
Jeffrey Steinhardt, D.C.
Richard Tyler, D.C.

Staff Present

Robert Puleo, Interim Executive Officer
LaVonne Powell, Senior Staff Counsel
Linda Shaw, Staff Services Manager
Sandra Walker, Staff Services Manager
Dixie Van Allen, Associate Governmental Program Analyst
Lavella Matthews, Associate Governmental Program Analyst
Christina Villanueva, Associate Governmental Program Analyst
Valerie James, Office Technician

Call to Order

Dr. Lerner called the meeting to order at 10:01 a.m.

Roll Call

Dr. Columbu called the roll. All members were present except Hugh Lubkin, D.C., who arrived shortly after roll call.

Chair's Report

Dr. Lerner gave the Chair's Report.

Approval of Minutes

May 13, 2010 Board Meeting

MOTION: DR. STEINHARDT MOVED TO APPROVE THE MINUTES**SECOND: DR. TYLER SECONDED THE MOTION****VOTE: 4-0****MOTION CARRIED****Discussion**

Dr. Steinhardt provided a correction on page 2, under public comment; “spinal decompressing” should be corrected to read “spinal decompression”.

Public Comment

None

Board Member training on the Bagley-Keene Open Meetings Act and other relevant laws

Ms. Powell stated there is nothing new to be brought up.

Interim Executive Officer’s Report

Mr. Puleo gave the Interim Executive Officer’s Report. The topics were Administration, Budget, Licensing, and Enforcement.

MOTION: DR. LERNER MOVED TO OMIT THE BOARD’S LOGO ON THE NEW PARCHMENTS

SECOND: DR. COLUMBU SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

Ratification of Approved License Applications

MOTION: DR. LUBKIN MOVED TO RATIFY THE APPROVED LICENSE APPLICATIONS

SECOND: DR. TYLER SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

The Board ratified the attached list of approved license applications incorporated herein (Attachment A).

Discussion

None

Ratification of Approved Continuing Education Providers

MOTION: DR. STEINHARDT MOVED TO RATIFY THE APPROVED CONTINUING EDUCATION PROVIDERS

SECOND: DR. LUBKIN SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

The Board ratified the attached list of approved continuing education providers incorporated herein (Attachment B).

Discussion

None

Ratification of Denied License Applications in Which the Applicants Did Not Request a Hearing

None

Recommendation to Waive Two Year Requirement to Restore a Cancelled License

Enforcement Case Tracking

Mr. Puleo introduced guest speaker, Paul Riches, Enforcement Chief from the Department of Consumer Affairs. Mr. Riches discussed the "Breeze Project" which is the department's pending tracking system for enforcement.

Public Relations Committee Meeting Update

Dr. Lerner provided an update from the last meeting.

There was discussion on having Office of Technology Services (OTS) at the next Public Relations Committee meeting to discuss changes/updates to the Board's website.

Legislation/Regulation Committee Meeting Update

Dr. Lerner provided an update from the last meeting.

Staff will develop regulatory language to present at the next meeting to clarify Section 308; the display of license and the purposes of different types of licenses such as pocket license and satellite certificates.

The Board members discussed informed consent regarding potential risk of care. Dr. Lerner proposed that we start initiating regulatory language to require licensees to provide written informed consent to their patients.

MOTION: DR. LUBKIN MOVED TO BEGIN TO PREPARE LANGUAGE TO DEVELOP INFORMED CONSENT CONCEPTS

SECOND: DR. TYLER SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

Public Comment

Dr. Charles Davis provided public comment that health and safety codes state the risk needs to be significant to require informed consent and feels it would be over regulating at this point.

Enforcement Committee Meeting Update

Dr. Lubkin provided an update from the last meeting.

Legislative Update

A. AB1996 (Hill)

Mr. Puleo provided an update stating the language is now pending votes from senate and assembly before it can move on to the Governor, there are no anticipated problems.

B. Any other legislation of Interest to the Board

Mr. Puleo stated there is no other significant pending legislation at this time.

Proposed Regulations

A. Continuing Education

Dr. Lerner provided an update and stated the Board looks forward to hearing new information; however, they will not be rehashing old discussion.

MOTION: DR. LERNER MOVED TO APPROVE STAFF SUGGESTIONS TO MODIFY THE CE LANGUAGE

SECOND: DR. LUBKIN SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

Public Comment

Dr. Charles Davis complemented the Board and suggested an addition to page 4, Section 16.

Dr. Lerner, Ms. Powell, Dr. Lubkin, and Mr. Puleo discussed Dr. Davis' suggestion.

Carl Brakensiek commented on the drafting of page 1 and page 4 of the language.

Ms. Powell suggested amending page 1 and removing "board approved" from Section 361.

Bill Howe commended the Board and staff on their work and provided several recommended changes.

Board members, Ms. Powell and Mr. Puleo discussed and considered the recommended changes.

Kendra Holloway provided comment to clarify course hours.

Deborah Mattos asked for clarification on page 10 under 364, regarding 8 credit hours.

Dr. Lerner provided clarification.

Dr. McAllister asked for clarification on the expectation of what licensees need to provide under the new regulations because distance learning may provide a different way of documenting courses.

MOTION: DR. LERNER MOVED AMEND 361(f) TO INDICATE THE NON-MANDATORY COURSES ARE NOT RESTRICTED TO THE SUBJECT AREAS 1-16 IN THIS SECTION

SECOND: DR. COLUMBU SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

B. Fingerprint Submissions

Ms. Powell stated the most significant recommendation is that we need to include an effective date.

MOTION: DR. LERNER MOVED TO START SIX MONTHS FROM THE EFFECTIVE DATE OF THE REGULATION

SECOND: DR. LUBKIN SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

Discussion

None

Public Comment

None

MOTION: DR. LERNER MOVED ACCEPT ALL OF STAFF'S RECOMMENDATIONS

SECOND: DR. LUBKIN SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

Discussion

None

Public Comment

None

Hearing re Petition Pursuant to the Administrative Procedure Act re Section 704 of the Business and Profession Code and the Board's Continuing Education (CE) Regulations re Number CE hours Required to Activate and Inactive License

Ms. Powell provided an update stating the hearing was noticed for 9:30 this morning; however nobody appeared to testify on the issue. The Board has granted this petition, in part, by amending the CE regulations. However, the Board is not able to grant immediate relief to the petitioner. The existing requirement will remain in effect until the proposed amendments are adopted by the Office of Administrative Law.

MOTION: DR. LUBKIN MOVED TO FORMALLY GRANT THE PETITION BY WAY OF ONLY REQUIRING CE FOR ONE RENEWAL CYCLE ONCE THE AMENDED CE REGULATIONS ARE FINALIZED AND ARE IN EFFECT

SECOND: DR. TYLER SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

Public Comment

Debra Snow commented on the Enforcement Committee Meeting regarding consumer oversight.

Future Agenda Items

None

Hearings re: Petition for Early Termination of Probation

Administrative Law Judge Deidre Johnson presided over and Deputy Attorney General Tom Rinaldi and Deputy Attorney General Jeff Phillips appeared on behalf of the people of the State of California on the following hearing.

- Anthony Loc Bao Nguyen

Hearings re: Petition for Reinstatement of Revoked License

Administrative Law Judge Deidre Johnson presided over and Deputy Attorney General Tom Rinaldi and Deputy Attorney General Jeff Phillips appeared on behalf of the people of the State of California on the following hearings.

- Carlos Seals
- Leon Weathersby

Closed Session

Following oral testimonies, the Board went into closed session for deliberation and determinations of Petitioners.

Adjournment

Dr. Lerner adjourned the public meeting at 5:16 p.m.

Attachment A

**Approval By Ratification of Formerly Approved License Applications
May 1, 2010 – June 30, 2010**

| Name (First, Middle, Last) | | | Date Issued | DC# |
|-----------------------------------|-----------|-----------|--------------------|------------|
| Hedie | | Adamous | 5/5/2010 | 31646 |
| Judith | Deborah | Bidgood | 5/5/2010 | 31647 |
| Pamela | Ann | Brown | 5/5/2010 | 31648 |
| Garretson | VanBuren | Fritts | 5/5/2010 | 31649 |
| William | Todd | McDougall | 5/5/2010 | 31650 |
| Bradley | Gene | Mouroux | 5/5/2010 | 31651 |
| Lance | Havens | Cohen | 5/11/2010 | 31652 |
| Sravanthi | | Dakoji | 5/11/2010 | 31653 |
| Jorge | Alfredo | Guevara | 5/11/2010 | 31654 |
| Nicole | Christine | Hoover | 5/11/2010 | 31655 |
| Rachelle | Marie | Mulford | 5/11/2010 | 31656 |
| Won | Woo | Park | 5/11/2010 | 31657 |
| Sheena | | Sohl | 5/11/2010 | 31658 |
| Jimmy | H | Yu | 5/11/2010 | 31659 |
| Holli | Ethel | Banes | 5/18/2010 | 31660 |
| Stephen | Kyle | Banes | 5/18/2010 | 31661 |
| Christopher | David | Bolduc | 5/18/2010 | 31662 |
| Ryan | Hyojin | Choi | 5/18/2010 | 31663 |
| Derek | Steven | Anderson | 5/25/2010 | 31664 |
| Valerie | Ann | Barsom | 5/25/2010 | 31665 |
| Kenneth | Chien-Yu | Chen | 5/25/2010 | 31666 |
| Katherine | Elizabeth | Drake | 5/25/2010 | 31667 |
| Jannet | Karina | Gonzalez | 5/25/2010 | 31668 |
| Jennifer | | Huang | 5/25/2010 | 31669 |
| Kyle | Matthew | Knox | 5/25/2010 | 31670 |
| Christopher | Don | Sanchez | 5/27/2010 | 31671 |
| Matthew | Todd | Scott | 5/27/2010 | 31672 |
| Cheuk-Fung | | Siu | 5/27/2010 | 31673 |
| Arin | | Broosan | 5/28/2010 | 31674 |

| | | | | |
|-------------|------------|----------------|-----------|-------|
| Michael | | Grigoriou | 5/28/2010 | 31675 |
| Angela | Maricela | Johnson | 5/28/2010 | 31676 |
| Darren | Scott | Sheldon | 6/3/2010 | 31677 |
| Timothy | Alan | Smith | 6/3/2010 | 31678 |
| Christopher | Michael | Tosh | 6/3/2010 | 31679 |
| Micah | Ryan | White | 6/3/2010 | 31680 |
| Yoon-Kyung | Judy | Woo | 6/3/2010 | 31681 |
| Sean | Patrick | O'Grady | 6/9/2010 | 31682 |
| Lisa | Marie | Prian | 6/9/2010 | 31683 |
| Jaromy | Justin | Bell | 6/14/2010 | 31684 |
| Jon | Aaron | Christensen | 6/14/2010 | 31685 |
| Joseph | Bassig | Ibe | 6/14/2010 | 31686 |
| Sina | | Khaneki | 6/14/2010 | 31687 |
| Michiteru | | Koike | 6/14/2010 | 31688 |
| Michael | Thomas | Marks | 6/14/2010 | 31689 |
| Deepak | Mohan | Moosad | 6/14/2010 | 31690 |
| Craig | Emory Ryan | Donovan | 6/16/2010 | 31691 |
| Aaron | Thomas | Gleeson | 6/16/2010 | 31692 |
| Jordan | Mathew | Gray | 6/16/2010 | 31693 |
| Harold | George | Heeder Jr. | 6/16/2010 | 31694 |
| Stanton | Michael | Hom | 6/16/2010 | 31695 |
| Michael | Thomas | Rogerson | HOLD | 31696 |
| Martin | Luke | Sanford | 6/16/2010 | 31697 |
| Donnatila | Dayao | Sapiandante | 6/17/2010 | 31698 |
| Jin | Wan | Pak | 6/17/2010 | 31699 |
| Shingo | | Sasaki | 6/17/2010 | 31700 |
| Alina | Tatiana | Bistrain Braga | 6/24/2010 | 31701 |
| Lacey | Nicole | Collins | 6/24/2010 | 31702 |
| Kevin | John | Cressey | 6/24/2010 | 31703 |
| Christopher | Andrew | Herrera | 6/24/2010 | 31704 |
| Bharat | | Jain | 6/24/2010 | 31705 |
| James | Myong | Kim | 6/24/2010 | 31706 |
| Victor | Bin Shiu | Lee | 6/24/2010 | 31707 |
| Brittany | Wemmer | Patton | 6/25/2010 | 31708 |
| Bernardo | | Perez III | 6/25/2010 | 31709 |
| Satomi | | Sunaga | 6/25/2010 | 31710 |
| Darlene | Tran | Van | 6/25/2010 | 31711 |
| Yuko | | Yamashita | 6/25/2010 | 31712 |
| Michael | Lee | Getting | 7/8/2010 | 31713 |
| Annette | | Baghdasarian | 6/29/2010 | 31714 |
| Monica | Brooke | Egan | 6/29/2010 | 31715 |
| Derek | Alan | Hacke | 6/29/2010 | 31716 |
| Ian | Matthew | Hoffman | 6/29/2010 | 31717 |

| | | | | |
|---------|---------|-------------|-----------|-------|
| Daniel | Hermann | Kempff | 6/29/2010 | 31718 |
| Chie | | Kigawa | 6/29/2010 | 31719 |
| Lindsay | Alice | McCarthy | 6/29/2010 | 31720 |
| Anita | Gail | Morgenstern | 6/29/2010 | 31721 |

Attachment B

Ratification of Formerly Approved Continuing Education Providers

Name (First, Middle, Last)

Date Approved

-
- | | |
|-------------------------|------------|
| ▪ Jose L. Serrano, D.C. | 05/25/2010 |
| ▪ William Ruch, D.C. | 6/09/2010 |